

## INTRADEPARTMENTAL CORRESPONDENCE

December 4, 2019  
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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING NO. 004-19

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Honorable Members:

The following is my review, analysis and findings for an Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 004-19. A Use of Force Review Board (UOFRB) was convened on this matter on November 14, 2019. In this case, the recommended findings were not unanimous, with a minority opinion rendered regarding the Drawing/Exhibiting and Lethal Use of Force findings.

I have carefully weighed each opinion, considered the case in its entirety and adopted the recommendations of the majority opinion for both the Drawing/Exhibiting and the application of the Lethal Use of Force. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY<sup>1</sup>

On February 13, 2019, Detective III M. Johnson, Serial No. 34786, 77<sup>th</sup> Street Area, Narcotics Enforcement Detail (NED), was off-duty and had rented a condominium at 232 East 2<sup>nd</sup> Street in downtown Los Angeles to reside in for the night.

According to Detective Johnson, he had been attending Department leadership training during the week of the incident and had planned to join co-workers from the 77<sup>th</sup> Street Area NED that evening at a promotional party at the Seven Grand bar in downtown Los Angeles. Detective Johnson attended the party at the Seven Grand bar and consumed an unknown quantity of alcoholic beverages throughout the evening. On February 14, 2019, at approximately 12:30 am to 1:00 am, he, along with others from the party, left the Seven Grand bar and walked to the Golden Gopher bar located at 417 West 8<sup>th</sup> Street where Detective Johnson consumed additional alcoholic beverages. The group continued drinking until the bar closed at approximately 0200 hours.

According to Detective Johnson, he and the co-workers *were going to get a ride to a co-worker's apartment* from the Golden Gopher bar. While waiting for their ride, the co-workers *went outside*.

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<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

Detective Johnson *believed they were going to have a cigarette and it was getting close to closing time* so he went to use the *bathroom*.

**Note:** An analysis of the interior video of the Golden Gopher bar by FID investigators indicated Detective Johnson was wearing a baseball cap when he initially entered the bar. As Detective Johnson and his co-workers walked toward the exit, Detective Johnson, who was no longer wearing his baseball cap, walked back toward the area of the bar and did not enter the hall that led to the bathroom. Detective Johnson remained out of the camera's view for approximately six minutes before he was captured walking again towards the exit. At that time, Detective Johnson was captured wearing his baseball cap.

The FID investigation revealed that Detective Johnson's co-workers exited the Golden Gopher bar and smoked cigarettes. The co-workers could not find Detective Johnson and attempted to contact him via cell phone with negative results. Since the bar was closed, they were unable to re-enter the bar to locate him. The co-workers believed Detective Johnson was intoxicated, but was coherent, able to carry on a conversation and was capable of caring for himself. They opined Detective Johnson took an alternate form of transportation and had left the area to return to his condominium.

The investigation also determined that the walking distance between the Golden Gopher bar and Detective Johnson's condominium was approximately 1.25 miles and that Robbery Homicide Division (RHD) investigators documented that Detective Johnson's Blood Alcohol Concentration (BAC) was listed as .329 in medical reports.

According to Detective Johnson, upon exiting the Golden Gopher bar and standing outside, he did not see his co-workers or their vehicle. Detective Johnson was aware that he had been drinking and was in no condition to operate a motor vehicle; however, he believed he was very capable of walking and safely returning to the condominium that he had rented. Detective Johnson started to walk back to the condominium and recalled it was raining *on and off but it was coming down some points pretty hard*. Detective Johnson recalled that he needed to use the restroom and wanted to *get money to grab something to eat in the morning*. While enroute to Central Community Police Station (Central CPS), Detective Johnson recalled that *there was a male that was like in an alcove with a black hood on* who asked him for money. Detective Johnson told him, "All I got is plastic," and continued walking. Detective Johnson *didn't think anything of it* at the time. Detective Johnson recalled that as he initially walked to Central Station, he walked toward the guard shack located on the east side of the station.

**Note:** Police Officer A. Gil, Serial No. 36267, Central Patrol Division, was assigned to the *back gate station security* located adjacent to 519 South Wall Street on the east side of Central CPS. According to Officer Gil, he observed Detective Johnson on security cameras walking northbound on Wall Street from 6<sup>th</sup> Street. Officer Gil stopped Detective Johnson and *asked him where he was going*. Detective Johnson produced his police identification from his wallet and handed it to Officer Gil. Officer Gil *smelled the odor of alcohol* when he handed the identification card back to Detective Johnson and asked Detective Johnson *if he was drunk*. Detective Johnson responded and *said he was okay*. Gil told Detective Johnson, "See the

watch commander. He'll get someone to take you home." Detective Johnson then entered the gate and walked to the rear station door.

An analysis of Central CPS surveillance video by FID investigators revealed Detective Johnson entered the rear door of the station and went to the hallway where the men's restroom was located. Approximately four minutes later, Detective Johnson exited Central CPS onto Wall Street and walked south toward 6<sup>th</sup> Street. Detective Johnson proceeded to the front of Central CPS and stood near the front doors for approximately fifteen minutes. During this time, Detective Johnson appeared to have verbal interactions with several citizens that were loitering in the area.

According to Officer Gil, when Detective Johnson exited Central CPS onto Wall Street, Officer Gil called out to Detective Johnson to re-engage him in conversation; however, Detective Johnson did not respond.

According to Detective Johnson, he did not recall interacting with Officer Gil. Detective Johnson recalled being in front of Central CPS and *planned to use the* Automated Teller Machine (ATM). Detective Johnson believed that he entered the lobby of Central CPS and obtained cash from the ATM..

**Note:** The investigation revealed Detective Johnson did not have any banking transactions on the date and approximate time that he would have accessed the ATM at Central CPS.

Additionally, the investigation determined that the video camera on the ATM was not functioning and Central CPS did not have a camera in the area of the front door or the ATM.

According to Detective Johnson, he exited Central CPS and had a conversation with a Black female in front of the station who was asking for money. Detective Johnson advised her he was not going to give her money, but he could get her help or food if she needed. Detective Johnson walked away and the female followed along as he walked eastbound on 6<sup>th</sup> Street between Wall Street and San Julian Avenue. As he walked along 6<sup>th</sup> Street, Detective Johnson remembered seeing the same *male white* that he had also observed *earlier* in the area of *Central Station*

**Note:** An analysis of surveillance video from the southeast corner of 6<sup>th</sup> Street and San Julian Street by FID investigators revealed that Detective Johnson walked alone on the north sidewalk as he travelled eastbound on 6<sup>th</sup> Street from Wall Street.

According to Detective Johnson, he believed that the female he had interacted with in the area of Central CPS as well as on 6<sup>th</sup> Street and Wall Street was the same person. Detective Johnson also believed that the male he had interacted with in the alcove wearing the black hoodie and on 6<sup>th</sup> Street between Wall Street and San Julian Street was the same person.

**Note:** The FID investigation later identified that Detective Johnson had interacted with a female later identified as J. Daniels and a male, later identified as M. Wise on 6<sup>th</sup> Street, between Wall Street and San Julian Street.

FID investigators analyzed surveillance video from a camera located on the southeast corner of 6<sup>th</sup> Street and San Julian Street. The video captured Detective Johnson walking alone, east on 6<sup>th</sup> Street from Wall Street adjacent to a collection of homeless tents along the north sidewalk.<sup>2</sup> The video showed that no one was walking with or near Detective Johnson and as he walked, Detective Johnson continued mid-block 6<sup>th</sup> Street between Wall Street and San Julian Street where he appeared to engage with Daniels who was holding a pink umbrella. The video depicted Detective Johnson and Daniels in the street adjacent to a red tent for approximately four minutes at which point M. Wise emerged from behind a tent and approached Detective Johnson.

During the UOFRB, FID investigators presented that the north side of 6<sup>th</sup> Street was lined with a transient encampment. A video was presented of a newscast from ABC 7 News related to the incident, which referenced the area as “Skid Row.”

According to Detective Johnson, when he was approached by Wise the second time, Wise stated, “I know you’re going to give it up. Just break me off some money.” Detective Johnson refused and attempted to de-escalate the situation by offering to help Wise with services for food and shelter. Detective Johnson stated, “I can find places, you know, I work around here. I know there’s places to help you out.” Detective Johnson recalled that his de-escalation attempts did not have any effect on Wise.

According to Detective Johnson, while he was standing in the street, he observed the *handle of a black handgun* come from either Wise’s *pocket, front waistband, or rear waistband*. The handgun was a *semi-automatic*. Wise then held the *handgun in his hand*, pointed in a *downward direction* around his *torso or waistband*.<sup>3</sup> Detective Johnson began to *blade* himself with his *right gun leg* back and his *left leg* forward. Detective Johnson attempted to get his *off duty weapon* out from *under his jacket*. Detective Johnson was wearing multiple layers of clothing and stated he was *swimming* as he was *trying to grab the layers of his clothing and peel them up*. He identified himself as a *police officer* and advised Wise, “Hey, I’m a cop. Drop the gun, drop the gun.” Detective Johnson then began to back up (**Drawing/Exhibiting**).

According to Detective Johnson, he remembered attempting to draw his pistol, but did not remember completing the act of drawing it from its holster. He did not have *any memory of having a grip of it* [his pistol], and his next memory was being *hit in front on the face and the top of the head* and getting knocked to the ground (**Lethal Force**).

According to Detective Johnson, he did not remember discharging his pistol at Wise. Furthermore, Detective Johnson did not remember hearing any gunfire during the encounter.

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<sup>2</sup> Rain drops on the camera lens reduced the clarity of the video.

<sup>3</sup> Detective Johnson was unable to remember which hand Wise had on the pistol and believed it was partially covered by Wise’s clothing.

**Note:** An analysis of the surveillance video by FID investigators indicated that Detective Johnson appeared to be in a bladed stance, with his right arm held in what could be described as a close-contact position with his left arm extended out toward Wise.<sup>4</sup>

Wise was interviewed by ABC 7 News. According to Wise, Detective Johnson was being aggressive towards a female and Wise stepped in to assist her. Wise stated Detective Johnson did not identify himself as a police officer. Wise was on top of Detective Johnson wrestling with him when he heard someone say, "He has a gun." Wise stated that Detective Johnson shot him and Wise grabbed the gun, put it to the side and began to hit Detective Johnson with his fists until Wise felt Detective Johnson's bones breaking.

Witness M. Faulks was sleeping in a truck that was parked along the south curb of 6<sup>th</sup> Street, east of Wall Street, when he was awakened by a commotion outside on the street. Faulks observed Detective Johnson and Wise fighting and he believed the fight was drug related. Faulks closed his eyes and began to fall asleep when he heard a single gunshot. Faulks looked over through his closed window and saw Detective Johnson and Wise still standing near one another when he heard another gunshot and saw a muzzle *flash*. The next thing he observed was Wise pick up a *green metal trash can* and *hit* Detective Johnson twice on the head as he lied on the ground. Faulks was unable to identify who was holding the pistol, who had fired the pistol or in which direction the rounds were fired.

**Note:** An analysis of surveillance video by FID investigators revealed Detective Johnson falling to the ground with Wise standing over him. The video appeared to capture Wise punching Detective Johnson for approximately 90 seconds as Detective Johnson lay on the ground. Wise then grabbed what appeared to be a steel trash can and struck Detective Johnson two times on the head. Wise then walked eastbound on 6<sup>th</sup> Street. FID investigators presented at the UOFRB that Wise wrapped his shirt around his waist as he left the location.

FID investigators conducted an interview with Wise in which he stated that he had no recollection of the incident. Wise did state that after he had been shot, he held Detective Johnson's arm to the ground. Additionally, Wise stated he was upset Detective Johnson lived and that he had hoped that Detective Johnson was dead.

The FID investigation revealed that a Gunshot Residue (GSR) analysis was conducted on both Detective Johnson's and Wise's hands with positive results, indicating that they were in close proximity when Detective Johnson's pistol was fired. Two 9mm Discharged Cartridge Casings (DCC) were located on the sidewalk and the street just north of where Detective Johnson was lying when he was located. According to the Property Report related to this incident (DR No. 1901-07009), the DCCs were Speer brand, 9mm luger.

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<sup>4</sup> A close-contact position is a shooting position where the primary arm is bent at a 90-degree angle at the elbow, with the forearm tucked close to the torso, the support hand used to parry the suspect and the firearm pointed in the direction of the target. A close-contact position is considered a weapon retention position where the weapon can be fired or kept out of reach of a potential suspect.

The investigation determined that Detective Johnson was armed with a 9mm Glock Model 19 Gen 5 semi-automatic pistol during the incident. The pistol was carried in a Department-approved inside-the-waistband holster. The capacity of the pistol when fully loaded was sixteen cartridges (fifteen in the magazine and one in the chamber) and according to Detective Johnson, his pistol was loaded to capacity. Detective Johnson's pistol was not recovered at the scene and was determined to have been stolen on the night of the incident by unknown suspect(s). The pistol was later recovered by the Los Angeles County Sheriff's Department on February 19, 2019 during an unrelated criminal investigation.

At 0326:08 hours, two witnesses, J. Triana and E. Enciso, were walking east on 6<sup>th</sup> Street when they called 9-1-1 because they observed Detective Johnson lying unconscious in the street. They observed Detective Johnson bleeding and believed he was possibly dead. According to Enciso, when she came upon Detective Johnson, she observed an unknown *black guy* that was *trying to look into his* [Detective Johnson's] *pockets*. Additionally, she heard an unknown person say, "Where's the gun?" Enciso did not observe a gun at any time.

At 0326:40 hours, security personnel at the Midnight Mission, located at 601 South San Pedro Street, discovered Wise outside of the location suffering from a single gunshot wound to the abdomen. Security called 9-1-1 for Wise.

**Note:** Communications Division (CD) generated two radio calls, both of which identified the victims as suffering from gunshot wounds. As both of the Code-Three radio calls were in the same general area, both were assigned to the same Central Patrol Division unit.

At approximately 0327 hours, Officers L. Nunez, Serial No. 39113 and M. Tarango, Serial No. 43516, Central Patrol Division, responded to the location in response to a radio call of a victim suffering from a gunshot wound. Upon arrival, the officers were flagged down by citizens who directed them to Detective Johnson. The officers established a crime scene and requested the response of a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA). LAFD RA 9 responded to the location and began medical treatment on Detective Johnson. During this time, Officer Nunez observed an empty holster attached to the right side of Detective Johnson's belt. Officer Nunez conducted a cursory search of Detective Johnson's clothing as well as the immediate area around him, but was unable to locate a gun. In addition, the officers were unable to locate Detective Johnson's wallet or any form of identification. Detective Johnson's identity and status as a Department employee was not known at the time and he was transported to Los Angeles County-University of Southern California Medical Center (USCMC) for medical treatment.

Officers M. Garcia, Serial No. 39924, and J. Serrato, Serial No. 43115, Central Patrol Division, responded to the second radio call of a gunshot victim at the Midnight Mission. The officers were directed to Wise by an unknown security guard and attempted to get further information regarding the incident from Wise. The officers observed Wise sitting in front of the Midnight Mission with a shirt wrapped around his abdomen. After making contact with Wise, the officers immediately requested an additional RA and attempted to get pertinent information regarding the incident, but Wise was uncooperative and refused to provide any details or show officers his injuries. LAFD

RA 209 responded to the Midnight Mission and transported Wise to USCMC for medical treatment.

Sergeant R. Hernandez, Serial No. 26722, Central Patrol Division, responded to the call and was the first supervisor on scene. He provided supervisory oversight at the crime scene for an Assault with a Deadly Weapon (ADW) investigation as no one had any knowledge that Detective Johnson was a Department employee. Sergeant Hernandez, was relieved by another supervisor from the oncoming shift prior to the Department becoming aware that Detective Johnson was a Department employee.

At approximately 0800 hours, witness M. Hall approached Officer J. Toris, Serial No. 38214, Central Area Resource Enhancement Services Enforcement Team (RESET), who was assigned to the crime scene perimeter. Hall advised Officer Toris that he was a resident of the area and was present during the crime. Hall spontaneously stated to Officer Toris, "He's [Detective Johnson] one of yours," and admitted to looking through Detective Johnson's wallet where Hall had observed a blue Los Angeles Police Department identification card. Central Area Detectives were immediately notified of the information and made the proper notifications.

**Note:** No wallet or police identification were located by Central Division officers who searched the area where Hall stated he had discarded Detective Johnson's wallet and police identification.

The investigation determined that an airsoft gun was located post incident by Central Patrol Division officers at a construction site located at 401 East 7<sup>th</sup> Street. The UOFRB considered the circumstances related to the recovery of the airsoft gun and determined that there was no evidence to suggest a direct nexus to the incident involving Detective Johnson and Wise.

On October 30, 2019, Criminalist II Samuel Hong, Serial No. N4628, Forensic Science Division (FSD), completed a Laboratory Report for Serology/DNA for swabs obtained from Detective Johnson's belt and holster, as well as the airsoft gun. DNA profiles from Detective Johnson's holster showed DNA from three contributors: Detective Johnson (91% contributor of the collected DNA), an unknown male (6% contributor of the collected DNA) and an unknown contributor (3% contributor of the collected DNA). The DNA profiles acquired from Detective Johnson's belt and the airsoft gun were not suitable for interpretation.

Detective Johnson's pistol was stolen on the night of the incident. On February 19, 2019, the pistol was recovered by the Los Angeles Sheriff Department (LASD) during an unrelated criminal investigation in the City of Castaic, California. At the time of recovery, the chamber was empty and the magazine was loaded with 13 rounds of 9mm ammunition. The LASD investigation did not reveal any information or evidence linking the recovery of the pistol to the incident involving Detective Johnson.

Detective Johnson sustained multiple blunt force injuries to his face and head resulting in bleeding in the space surrounding his brain, orbital and nasal fractures and extensive damage to the soft tissue and muscle around his eyes. He was placed in an induced coma for the

swelling to his brain and was hospitalized until February 19, 2019. According to Detective Johnson, he had intermittent memory loss, which did not allow him to remember the entire incident.

Wise was treated for various cuts and swelling to his knuckles, along with a gunshot wound. A Supplemental Information to Force Investigation Division Report No. F004-19 documented additional information regarding Wise's injuries. On February 14, 2019, investigators from RHD were initially advised by Doctor Bench at USCMC that Wise had been shot twice. On February 18, 2019, RHD investigators were advised by Nurse Emerita at USCMC that a bullet was lodged in Wise's hip and that the doctor had been unable to remove it. Wise refused to sign a medical release waiver allowing the Department access to his medical records. As a result, confirmation of Wise's exact injuries was unavailable.

On April 4, 2019, ABC 7 News aired an interview with Wise. According to Wise, he was shot in the abdomen and the bullet was still lodged in his right hip. A review of the news interview by FID investigators indicated that Wise had a wound on his right hip as well as a bandage on his abdomen. Wise further stated that his doctor believed he was shot with a rubber bullet. On September 25, 2019, FID investigators conducted a follow-up interview with Wise who allowed an abbreviated interview regarding his injuries. Wise stated he had been shot one time and that the bullet was still inside his body. Wise further stated that he and his doctor believed he had also been shot with a rubber bullet. Wise stated, "Because there was, like, a little mark right here (referring to the right side of his torso) and then it went away; it was like a little scab or something like that. And there was a shot right here (referring to the bullet wound on his abdomen). I only got shot once."

## **FINDINGS**

**Tactics** – Administrative Disapproval, Detective Johnson.

**Drawing/Exhibiting** – Out of Policy, Administrative Disapproval, Detective Johnson.

**Lethal Use of Force** – Out of Policy, Administrative Disapproval, Detective Johnson.

## **ANALYSIS<sup>5</sup>**

### **Detention**

According to Detective Johnson, he was off-duty, in civilian clothing, walking on a public street when he was confronted by the suspect who demanded money. Detective Johnson recalled that the suspect displayed what he believed to be a firearm. Detective Johnson then identified himself as a police officer and attempted to draw his pistol. A physical altercation ensued and at some point, his pistol discharged. While Detective Johnson did not seek to conduct enforcement activity, he was a victim of a crime. By identifying himself as a police officer, Detective Johnson

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<sup>5</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.



reverted himself to on-duty status and attempted to detain the suspect by attempting to draw his firearm.

## **Tactics**

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, according to Detective Johnson, he was armed with his pistol while off-duty, in civilian clothing and walking to Central CPS while intoxicated when he became involved in an altercation with Wise and subsequently became involved in an OIS.

**Planning** – No evidence existed that Detective Johnson planned to conduct any law enforcement action while he was off duty and returning to his rented condominium. Detective Johnson's intention when he left CPS was to continue walking eastbound on 6<sup>th</sup> Street and then north on San Pedro St back to his condominium. Detective Johnson was confronted by Wise while he was

engaged in a conversation with Daniels and an altercation ensued when according to Detective Johnson, he observed the grip of a handgun in Wise's hand.

**Assessment** – According to Detective Johnson, while walking to Central CPS, he walked past an alcove that Wise was standing in and Wise asked him for money. Detective Johnson also stated that he was later approached by Daniels as he walked eastbound on 6<sup>th</sup> Street, between Wall Street and San Julian Street. Daniels was *giving* Detective Johnson a *hard time* by *pressing* him for money saying, "I know you got some." During the encounter with Daniels, Wise approached Detective Johnson a second time and stated, "Just break me off some money" and continued to make various demands for money.

The UOFRB noted that Detective Johnson had ample time to assess the situation and continue walking, however, he stopped and spoke to Daniels for approximately four minutes in an area well known for violent crime and narcotics activity before Wise eventually approached him.

**Time** – Detective Johnson used the *Distance+Time=Cover* equation when confronted by Wise. Video evidence depicts Detective Johnson backing up and away from Wise while continuing to face him. Detective Johnson turned his body to a *bladed position* in a close contact position with his left arm extended out toward Wise. From the moment Detective Johnson assumed the *bladed Position* the encounter rapidly unfolded, which subsequently led to Detective Johnson being knocked to the ground and further assaulted. It was evident that Detective Johnson was attempting to create distance from Wise, however, the dynamic nature of Wise's assault prevented him from obtaining that distance.

**Redeployment and/or Containment** – Detective Johnson observed what he believed was the grip of a handgun near Wise's waistband. Due to Detective Johnson's close proximity to Wise redeployment to an alternate location was not feasible without allowing Wise a tactical advantage.

**Other Resources** – There is no evidence that exists to indicate that Detective Johnson utilized other resources or that any were readily available to him during the altercation with Wise.

**Lines of Communication** – According to Detective Johnson he asserted that gave verbal commands that were meant to de-escalate the incident between himself and Wise. Detective Johnson identified himself as a police officer and stated, "Hey I'm a cop. Drop the gun, drop the gun." Detective Johnson stated, "I work around here. I know there's places to help you out." There is no evidence that exists to indicate that Detective Johnson utilized any further lines of communication.

The UOFRB determined, and I concur that by Detective Johnson's assertions he utilized some elements of de-escalation by backing away from Wise and verbally communicating with him. However, would have benefited from situational awareness and assessment of his environment and surroundings that would have allowed him to avoid this circumstance altogether.

During the review of the incident, the following Tactical Debriefing Point was noted:

**Debriefing Point No. 1      Off Duty Tactics (Substantial Deviation –Detective Johnson)**

*Each year, peace officers are seriously injured and killed during off-duty enforcement actions. Off-duty incidents give light to the critical importance of officer safety and general environmental awareness. (Los Angeles Police Department Training Bulletin, Off-Duty Actions).*

In this circumstance, Detective Johnson was intoxicated in the early morning hours and despite it being over a mile away, decided to walk back to his rented condominium. Detective Johnson had multiple opportunities to return to his condominium through the use of ride share options, friends and Department resources who could have provided a ride to his destination. While Detective Johnson got separated from his co-workers who had intended to provide him transportation, he also declined Department resources, which were offered to him at Central CPS.

The UOFRB discussed at length their concern with Detective Johnson's high BAC level, which was documented in medical documents attached to RHD's report. The UOFRB's concern was based in part on Detective Johnson's decision to consume large amounts of alcohol while being armed with his off-duty pistol. The UOFRB cited Detective Johnson's tenure as a Detective supervisor, along with his time and experience as a law enforcement officer as reasons that he should have known it was not a good decision to drink large amounts of alcohol while carrying a firearm. It was noted that while there is no policy that designates an amount of alcohol that may be consumed while off duty, the UOFRB agreed that good judgement is critical to success and making effective decisions in all situations, especially tactical situations.

The UOFRB noted that the FID investigation revealed that Detective Johnson was in front of Central CPS for approximately fifteen minutes, during which Detective Johnson had the time and opportunity to consider his options and obtain a ride to his condominium. Detective Johnson left the relative safety of the police station and walked during the early morning hours onto the streets while intoxicated, which increased his vulnerability. In addition, the UOFRB highlighted that the FID investigation revealed that Detective Johnson voluntarily stopped while he was walking eastbound on 6<sup>th</sup> Street and engaged Daniels in a conversation for approximately four minutes. Detective Johnson had a history of training and experience related to plain clothes/undercover narcotics investigations and should have recognized the potential danger of the area where he was stopping at. Detective Johnson's decision to stay at that location, while heavily intoxicated and alone, placed himself in peril as he either disregarded or was so substantially impaired that he did not consider the situational danger that the environment posed.

The UOFRB was critical of Detective Johnson's lack of assessment concerning his high level of intoxication, his unwillingness to utilize rideshare resources available to him, as well as not utilizing the abundance of time he had to gauge the clear potential threat level of his environment.

In addition, the UOFRB determined that Detective Johnson's actions were inconsistent with the Department's expectation of a supervisor. Detective Johnson placed himself at an extreme tactical disadvantage by walking alone and intoxicated through an area well known for violent crime and narcotics activity. Detective Johnson's intoxication level played a significant factor in his

inability to properly assess his surroundings and make proper decisions based on the factors presented to him.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Detective Johnson's own actions unnecessarily endangered his safety and placed himself at a significant tactical disadvantage. The UOFRB determined, and I concur, Detective Johnson's actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

No additional debrief topics were identified.

### **COMMAND AND CONTROL**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

Sergeant Hernandez responded to the crime scene for what he believed was a Assault with a Deadly Weapon shooting investigation and established a command post. Unbeknownst to Sergeant Hernandez and the responding officers, Detective Johnson was a Department employee and his pistol, wallet and police identification had been stolen by persons at the scene prior to the arrival of officers. The lack of identification and witnesses that knew Detective Johnson resulted in a significant delay in identifying that Detective Johnson was a Department employee and that an Officer Involved Shooting had occurred. In fact, it was not until after the crime scene had been broken down that it was discovered that Detective Johnson had been involved in an OIS. This delay was through no fault of Sergeant Hernandez and in fact he did an exemplary job as the supervisor at the scene of an ADW investigation by ensuring that witnesses were identified and interviewed and that evidence was preserved and collected. The actions of Sergeant Hernandez

were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.

**Note:** By the time it was discovered that Detective Johnson had been involved in an OIS, he had already been placed in a medically induced coma due to the severity of his injuries and it was therefore not possible to obtain a Public Safety Statement (PSS).

### **Tactical Debrief**

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Detective Johnson substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Therefore, I will direct that Detective Johnson attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On June 13, 2019, Detective Johnson attended a GTU. All mandatory topics were covered, including the Force Option Simulator.

### **Drawing/Exhibiting**

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

According to Detective Johnson, while he was standing in the street, he observed the handle of a black handgun come from either Wise's pocket, front waistband, or rear waistband. The handgun

was a semi-automatic. Wise then held the handgun in his hand with it pointing in a downward direction around Wise's torso or waistband. Detective Johnson began to blade himself with his right gun leg back and his left leg forward. Detective Johnson attempted to get his off duty weapon out from under his jacket as he identified himself as a police officer by saying, "Hey, I'm a cop. Drop the gun, drop the gun." Detective Johnson then began to back up.

Detective Johnson recalled,

*And at some point, I remember-- I'm not sure if it was from his -- his pocket or his front waistband or his rear waistband, but I remember seeing the handle of a black handgun in his hand. At that point, I was in the mid -- kind of, I believe, in the -- in the lane of the street because of the traffic or the tents and just all the chaos. And the way I recall it, I was kind of started to blade myself and kind of peel under my jacket to my -- my off duty weapon, and in a bladed manner, that's when I remember specifically identifying myself as a police officer and telling him, "Drop the gun, drop the gun."*<sup>6</sup>

*And in my mind, I was in a bladed position where my right gun leg was back, and my left leg was forward, and my shoulders were canted trying to draw my weapon or trying to get to my weapon under my clothes, and receiving blows to the head.*<sup>7</sup>

*And I had on the shirt, probably a T-shirt, a shirt, like a nice -- like a zipper cloth coat and then a rain coat a longer rain -- black rain coat over that. So my layers of clothing I remember as I'm yelling... I'm almost for lack of a better term, swimming. I'm trying to grab the layers of my clothes and peel them up and reach for my -- my off-duty weapon.*<sup>8</sup>

*And at some point I looked -- my eyes went down because it was an eye -- eye contact as I was talking to him, and I remember my eyes seeing a black handle of what I believed was a handgun, a semi-automatic. I believe it was a semi-automatic. He was holding the handle is what I remember specifically. And it would have been pointed -- or in a downward direction around his torso -- around his torso or around his waistband. And at that time I yelled out, "Hey, I'm a cop. Drop the gun. Drop the gun." And I started backing up.*<sup>9</sup>

*The next thing that I remember is -- is being focused on his -- his waistband area, looking down and seeing the hand -- that's when I saw the handle of the gun.*<sup>10</sup>

*It could have been there the whole time I approached. But I just remember my eyes -- when I looked down, as we were having -- having the conversation or arguing that I wasn't going to give*

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<sup>6</sup> Detective Johnson's 1<sup>st</sup> Interview, Pg. 7 lines 15-25, and Pg. 8 line 1

<sup>7</sup> Detective Johnson's 1<sup>st</sup> Interview, Pg. 8, lines 22-25, and Pg. 9 line 1

<sup>8</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 13, lines 8-15.

<sup>9</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 12 lines 22-25, Pg. 13 lines 1-7

<sup>10</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 35, lines 22-25

*him any money, I remember seeing the butt - - or I'm sorry - - yeah, the hand, the handle, the grip of a black handgun.<sup>11</sup>*

*I don't recall which hand and it at that time it was -- I couldn't see the whole gun, and it was pointed -- but from what I could tell by the handle, the direction of the muzzle would have been pointed down towards -- the ground.<sup>12</sup>*

According to Detective Johnson, he remembered attempting to draw his pistol, but did not remember completing the act of drawing his pistol from the holster. He did not have any memory of having a grip of it [his pistol], and his next memory was being hit on the face and the top of his head and getting knocked to the ground.

Detective Johnson recalled,

*I don't remember getting it out. I remember giving the order to drop the gun and that I was a police officer.<sup>13</sup>*

*Yeah, I don't have any memory or - - yeah, I don't have any memory of having a grip of it [Detective Johnson's service pistol].<sup>14</sup>*

*As I was standing, I remember being hit in the front on the face and I remember being hit on the top of the head.<sup>15</sup>*

*I just remember feeling and remember those two specific blows. But I know there was others. And then I remember - - I don't remember how I got down on the ground or how I ended up on the ground, but my next memory after those two blows is being on the ground.<sup>16</sup>*

The UOFRB noted that this was an usual circumstance as there was no clear video evidence, witness statements, or physical evidence that clearly portrayed the events leading up to, during and after the shooting. In addition, there was no evidence that definitively indicated that Detective Johnson completed the drawing of his pistol. However, based on the totality of the circumstances and the preponderance of evidence, to include statements and limited video evidence, the UOFRB determined that Detective Johnson completed his intended act and drew his pistol.

The UOFRB minority reviewed the available surveillance video, evidence and statements and acknowledged that Detective Johnson had a blood alcohol content well above the legal limit to drive a vehicle. However, the UOFRB minority noted that Detective Johnson's level of impairment did not necessarily prevent him from making a sound decision. Detective Johnson attempted to unholster his service pistol after perceiving a threat in a tactical situation, which

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<sup>11</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 36, lines 17-22

<sup>12</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 37 lines 5-11

<sup>13</sup> Detective Johnson's 1<sup>st</sup> Interview, Pg. 11, lines 14-16

<sup>14</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 41 line 25, and Pg. 42, line 1

<sup>15</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 42, lines 6-8

<sup>16</sup> Detective Johnson's 2<sup>nd</sup> Interview, Pg. 42, lines 12-17

could have led to the use of deadly force. The UOFRB minority acknowledged that although Detective Johnson had a limited recollection of the encounter, he clearly articulated his intention to unholster his pistol in response to observing that Wise intended to rob him and was armed with a black handgun. Based on the circumstances, it was not feasible for Detective Johnson to disengage and walk away from a suspect armed with a handgun. As such, the UOFRB minority concluded that it was reasonable and therefore In Policy for Detective Johnson to draw his pistol in response to his perception that Wise was armed with a handgun.

The UOFRB majority reviewed the same set of facts and came to a different conclusion based on a review of the available surveillance video, evidence and statements. The UOFRB majority noted that the Department's policy on drawing and exhibiting also states:

*"Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm." (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

The UOFRB majority was extremely concerned with Detective Johnson's level of intoxication as well as his unreliable memory of the entire incident. The UOFRB majority noted that Detective Johnson's recollection of the incident had significant gaps and there were inconsistencies in his statement as it related to the location of Wise's weapon and the events prior to the OIS. Detective Johnson's statements included events which were not supported by the transaction history of his ATM bank account and video evidence at the Golden Gopher bar and Central CPS.

Based on the totality of the evidence, the UOFRB majority determined that due to his level of intoxication, Detective Johnson's judgement and decision making were severely compromised, and as a result, he placed himself in a perilous situation. The UOFRB majority opined that an officer's perception and recollection of events is of paramount importance. However, in this case, the UOFRB believed that the evidence showed that Detective Johnson's memory and perception were compromised and therefore, undependable.

I looked closely at Detective Johnson's decision to draw his pistol when confronted by Wise. In reviewing the evidence and the totality of the circumstances, the UOFRB majority concluded, and I concur, that Detective Johnson had the opportunity to leave the location and disengage and remove himself from the situation prior to his encounter with Wise. Detective Johnson made a poor decision by engaging in a conversation with Daniels and staying at the location for approximately four minutes. This decision ultimately placed himself in unnecessary danger and limited his tactical options. This poor decision making, in conjunction with Detective Johnson's unreliable memory and lack of evidence that Wise was armed with a firearm, led me to determine that the drawing of his pistol was unreasonable.

Therefore, I find Detective Johnson's Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.



## **Use of Force – General**

*It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

## **Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*

- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury*

*The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

**Detective Johnson** – 9mm, two rounds, in an unknown direction from an close distance.

According to Detective Johnson, he observed that Wise was armed with a black semi-automatic handgun. Detective Johnson immediately identified himself as a law enforcement officer and ordered Wise to drop the gun multiple times. Detective Johnson was in the process of drawing his pistol when he was *hit* on his face and on the top of his head, causing him to fall to the ground.

**Note:** The FID investigation revealed that GSR analysis was conducted on both Detective Johnson's and Wise's hands with positive results, indicating that they were in close proximity when Detective Johnson's service pistol was fired. Two 9mm casings were located on the sidewalk and the street just north of where Detective Johnson was lying when he was located. Wise sustained a single gunshot wound to his abdomen.

According to Detective Johnson, he did not remember discharging his pistol at Wise. Furthermore, Detective Johnson did not remember hearing any gunfire during the encounter.

Detective Johnson was asked by FID Investigators regarding the discharging of his service pistol.

*DETECTIVE STONE: Okay. At some point there was the – your gun was discharged. Do you have any recollection of that occurring?*

*MICHAEL JOHNSON: No, I do not.*

*DETECTIVE STONE: Okay. Did you hear any – any gunfire during this incident?*

*MICHAEL JOHNSON: I don't recall hearing any.<sup>17</sup>*

Detective Johnson recalled,

*"And I don't - - although I don't remember discharging my gun, I think that that if I didn't have it, I'd be dead."<sup>18</sup>*

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<sup>17</sup> Detective Johnson 2<sup>nd</sup> Interview, Pg. 47, lines 18-24

<sup>18</sup> Detective Johnson 2<sup>nd</sup> Interview, Pg. 77, lines 1-3

The UOFRB noted once again in this unusual case there was no clear video evidence, witness statements, or physical evidence which clearly portrayed the circumstances leading up to, during and after the shooting. Additionally, there was no evidence that definitively indicated that Detective Johnson fired his pistol. However, once again based on the totality of the circumstances and the preponderance of evidence, the UOFRB determined that Detective Johnson fired his pistol during this incident. The UOFRB relied on witness statements, video evidence, Wise's wounds and positive GSR results to come to this determination.

In evaluating Detective Johnson's Use of Lethal Force, the UOFRB minority considered several factors in evaluating its reasonableness. In this case, Detective Johnson drew his pistol when he was confronted by Wise who had demanded money while armed with a black semi-automatic handgun. Detective Johnson ordered Wise to drop the gun multiple times and was then struck on his face and head causing him to fall to the ground. Detective Johnson sustained severe trauma to his face and a traumatic brain injury as a result of the incident.

Although Detective Johnson did not recall firing his pistol, the UOFRB minority opined that Detective Johnson likely reverted to his training as a law enforcement officer and recognized that he was in jeopardy of imminent threat of serious injury or death and used deadly force to defend himself. The UOFRB minority noted that Detective Johnson only had a moment to react to observing Wise armed with a gun and immediately identified himself as a police officer. Detective Johnson did not have any tactical options available to him due to Wise's physical assault on him.

The UOFRB minority opined that the OIS was a result of Wise attacking Detective Johnson in a violent and aggressive manner, which led to Detective Johnson receiving severe head trauma. The UOFRB minority concluded that an officer with similar training and experience would reasonably believe Wise's actions constituted a threat of death or serious bodily injury at the time Detective Johnson used lethal force, making it objectionably reasonable and therefore In Policy.

The UOFRB majority reviewed the same set of facts and the totality of the circumstances and came to a different conclusion. The UOFRB majority highlighted that the Department's policy specific to the use of deadly force establishes that "the reasonableness of an officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force." The UOFRB majority noted that the conclusion to the encounter between Detective Johnson and Wise followed a series of untenable tactically poor decisions that were in direct contradiction to the Department's training regarding officer safety and general environmental awareness. The UOFRB majority had concerns with the fact that Detective Johnson consumed a large amount of alcohol while armed with his pistol. Additionally, the UOFRB noted that Detective Johnson was a Detective supervisor assigned as the Officer-In-Charge of the 77<sup>th</sup> NED unit and became significantly intoxicated with his subordinates on the evening of the OIS.

The UOFRB majority opined that Detective Johnson missed an opportunity to receive a ride from his co-workers to his rented condominium. Detective Johnson was also provided the opportunity by Officer Gil to be transported to his condominium, either through the use of ride services or the use of Department personnel to provide a ride. Furthermore, Detective Johnson loitered in front of

Central CPS during which he had the time and opportunity to assess his situation and make the decision to obtain a ride to his condominium. Detective Johnson declined those opportunities and instead solely made the decision to leave the relative safety of Central CPS to walk alone on the street during the early morning hours in an area commonly known as Skid Row. Detective Johnson then engaged in a conversation with Daniels for approximately four minutes, placing himself in further peril by disregarding or being inattentive to the high narcotics and crime area that he was in.

The UOFRB majority noted that Detective Johnson had extensive experience as a narcotics detective and he therefore should have known that loitering in the Skid Row area during the early morning hours would place himself in a dangerous situation. The UOFRB majority also had concerns with Detective Johnson's unreliable memory of the encounter and noted that he was unable to remember the details of the incident or if he had even fired his weapon. The UOFRB majority opined Detective Johnson did not have situational awareness of his environment and could have disengaged from the encounter with Wise. The UOFRB acknowledged the serious injury Detective Johnson sustained and was sympathetic to its after effects as noted by medical professionals. Although limited information was available to the UOFRB, they also considered the behavior and actions of Wise. With all those considerations, the UOFRB discussed this matter diligently, thoughtfully and sensitively to come to the determination that they did.

Based on the totality of the circumstances, the UOFRB majority determined, and I concur, that an officer with similar training and experience as Detective Johnson, would not have placed themselves in that same situation. As a result of his poor decision making, Detective Johnson placed himself at a significant tactical disadvantage which ultimately exposed him to Wise's aggressive and assaultive behavior. Detective Johnson's substandard tactical decisions led him to be in the situation that resulted in the OIS. Those decisions were not reasonable and placed Detective Johnson in circumstances that were avoidable, which renders the use of lethal force by Detective Johnson unreasonable.

Therefore, I find Detective Johnson's Use of Lethal Force to be Out of Policy, Administrative Disapproval.

### **Additional**

**Public Safety Statement (PSS)** – A PSS was not taken from Detective Johnson due to the delay in identifying that he was a Department employee involved in an OIS. By the time it was discovered that this incident involved an OIS, Detective Johnson had already been placed in a medically induced coma at USCMC. Detective Johnson remained in the medically induced coma for several days and it was determined that his medical treatment was a priority. As such, I deem no further action is necessary.

**Department Operations Center (DOC) Notification** – The investigation revealed that the incident was reported to the DOC approximately eight hours after the arrival of officers at the scene of what they believed was a routine ADW shooting investigation. Unbeknownst to the officers, Detective Johnson's wallet and identification were removed from the scene by a witness prior to the arrival of the officers. Additionally, Detective Johnson was unconscious and could not

identify himself as a Department employee. Thus, the officers were initially unable to identify him as a Department employee that had been involved in an OIS. Once information from the witness was received that Detective Johnson was potentially a Department employee, Detective Johnson was identified and the proper notifications were completed. Due to the extraordinary circumstances of this incident, the delay in DOC notification is understandable. As such, I deem no further action is necessary.

**Firearm not listed in Firearms Inventory Tracking System (FITS)** – Detective Johnson’s 9mm Glock 19 pistol was registered to him in the Department of Justice firearms database; however, it was not listed in the Los Angeles Police Department FITS file. This was brought to the attention of Captain Alcenda Neal, Serial No. 30599, Commanding Officer, 77<sup>th</sup> Area, who addressed this issue with divisional training and entry into the Learning Management System (LMS). Captain Neal advised that Detective Johnson’s pistol will be entered into FITS when it is released by FID. The Commanding Officer of Operations South Bureau and the Director of the Office of Operations concurred with this action. As such, I deem no further action is necessary.

**Note:** Detective’s Johnson’s 9mm Glock pistol was of the type authorized by the Department and was inspected by the Firearms Analysis Unit. The pistol was found to be functional and the trigger pull value for the pistol was within the Department’s established range.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)** – Responding police vehicles were equipped with DICVS and captured the post incident scene and setting up of the crime scene. There were no police vehicles present at the time of the OIS; therefore, the use of force incident was not captured on DICVS. As a result, no DICVS footage contained any evidentiary value.

**Body Worn Video (BWV)** – The investigation determined that eight officers assigned to Central Area/Central Patrol Division responded to the scene after the shots had been fired and activated their BWV at some point during their response. The officers’ BWV did not capture the use of force incident.

**Other Department Video** – On February 14, 2019, FID investigators inspected the internal video system of Central CPS. The system was operational and video from the incident was recovered. The video captured Detective Johnson interacting with Officer Gil and entering and exiting the rear door of Central CPS. Detective Johnson was also captured on video near the front doors of Central CPS and can be seen interacting with various citizens, as well as proceeding alone on foot, east on 6<sup>th</sup> Street, away from Central CPS.

**Outside Video** – On February 14, 2019, FID investigators, along with RHD Investigators, canvassed the area around 6<sup>th</sup> Street and San Julian Street as well as the route(s) between the Golden Gopher and Central CPS. Video was identified and recovered that depicted portions of Detective Johnson’s movements inside and outside of the Golden Gopher bar, as well as Detective Johnson’s encounter with Daniels and Wise during the OIS. Additional video captured Daniels

and Wise walking to and stopping in front of the Midnight Mission, as well as Central Division officers arriving on scene and setting up a crime scene as they assessed the status of both Detective Johnson and Wise.

Respectfully,









MICHEL R. MOORE  
Chief of Police

Date: 12-4-19

LOS ANGELES POLICE DEPARTMENT  
USE OF FORCE REVIEW BOARD REPORT

INC No. 004-19	CF No.	DR No. 19-0107833
<b>SHOOTING</b>		

REVIEW BOARD INFORMATION

<b>Location of Incident</b> 6th Street and San Julian Street	<b>RD</b> 156	<b>Date of Incident</b> February 14, 2019	<b>Date and Time of Board Review</b> November 14, 2019 0800 Hours
<b>Chair</b> Assistant Chief B. Girmala, Serial No. 24916	<b>Signature of Approving Board Members:</b> 		
<b>Member (Office Representative)</b> Assistant Chief R. Arcos, Serial No. 26185			
<b>Member (Police Sciences and Training Bureau)</b> Commander R. Flores, Serial No. 30995			
<b>Member (Bureau)</b> Commander D. Randolph, Serial No. 27634			
<b>Member (Peer)</b> Detective J. Campos, Serial No. 31480			
<b>Presenting Commanding Officer</b> Captain A. Neal, Serial No. 30599			
<b>Notes:</b>			
<b>Additional Considerations:</b>			
RECEIVED DEC 06 2019 OFFICE OF THE INSPECTOR GENERAL			
<b>Modification to Present Policy, Practices or Training:</b>			
RECEIVED POLICE COMMISSION 2019 DEC -5 AM 6:50			
<input type="checkbox"/> COP Date Signed: _____ <input type="checkbox"/> PC Date Submitted: _____			

<b>Employee (Last Name, First, Middle)</b> Johnson, Michael		<b>Serial No.</b> 34786	<b>Rank/Class</b> Detective III	<b>Incident No.</b> 004-19
<b>Length of Employment</b> 20 years, 8 months		<b>Current Division</b> 77th Street	<b>Time in Current Division</b> 3 years, 3 months	

Use of Force Review Board	Chief of Police	Police Commission
<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Less-Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Non-Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<b><u>Unintentional Discharge</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Other Issues</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

**Notes:**

<b><u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u></b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	<b>Notes:</b>
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**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**